

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
PHOTON INFOTECH INC.,	:	
	:	
Plaintiff,	:	
	:	21-cv-7573 (VSB)
-against-	:	
	:	<u>ORDER</u>
GALAXY I TECHNOLOGIES, INC.,	:	
	:	
Defendant.	:	
	:	
----- X		

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action in the Supreme Court of the State of New York, New York County on August 9, 2021. (Doc. 1-1.) Defendant removed to federal court on September 10, 2021. (Doc. 1.) Defendant answered on September 23, 2021. (Doc. 5). On September 24, 2021, I ordered the parties to submit a joint status letter, along with a proposed case management plan and scheduling plan, by October 6, 2021. (Doc. 6.) The parties failed to do so.

On November 16, 2021, I again ordered the parties to submit the joint status letter, along with a proposed case management plan and scheduling plan, by November 19, 2021, and I cautioned that failure to do so could result in dismissal “for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (Doc. 7.) The parties again failed to abide by my order.

I also note that Plaintiff has yet to file a notice of appearance in this matter.

Accordingly, this action is dismissed pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: November 22, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a large, stylized 'V' and 'B'.

Vernon S. Broderick
United States District Judge